

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GERALD WILLIAMS,
Petitioner,

v.

Case No. 08C1096

MICHAEL THURMER,
Respondent.

ORDER

Habeas petitioner Gerald Williams filed a notice of appeal of this court's judgment dismissing his petition for writ of habeas corpus and denying a certificate of appealability (hereinafter "COA"). He now requests appointment of counsel, reconsideration of my order denying a COA, and leave to appeal in forma pauperis.

Petitioner's sole basis for reconsideration is that he needs a lawyer. A COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). In denying a COA, I found that petitioner failed to make such a showing and nothing in his motion to reconsider allows me to conclude otherwise. I will therefore deny it. Construing his motion to reconsider as a motion for appointment of appellate counsel, I will also decline to appoint appellate counsel. Because of the reasons I have previously stated and because I have now declined to issue a COA, I do not believe the interests of justice require appointment of counsel. See Winsett v. Washington, 130 F.3d 269, 281 (7th Cir. 1997); 18 U.S.C. § 3006A (a)(2).

Finally, I will deny plaintiff's request to proceed in forma pauperis on appeal. I previously directed petitioner to provide a copy of his prison trust account statement for the

six months prior to filing his notice of appeal by August 30, 2010. See 15 U.S.C. § 1915(a)(2). I warned him that failure to do so would result in denial of his motion to proceed in forma pauperis. Because he has not filed the account statement, I will deny the motion.

IT IS THEREFORE ORDERED that petitioner's motion to reconsider the denial of a certificate of appealability and for appointment of counsel is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for leave to proceed in forma pauperis on appeal is **DENIED**. Petitioner must follow the procedure set out in Fed. R. App. P. 24(a)(5) if he wishes to appeal this decision.

Dated at Milwaukee, Wisconsin, this 30 day of September, 2010.

/s _____
LYNN ADELMAN
District Judge